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### **REMARKS/DISCUSSION OF ISSUES**

This response is intended as a full and complete response to the non-final Office Action mailed June 21, 2005. Claims 1-22 and 99-104 are currently pending. Claims 23-98 and 105-111 have been canceled without prejudice. As explained below, all of the pending claims are patentable.

#### **I. INVENTORSHIP**

Applicants acknowledge that the previously filed petition to correct inventorship lacked appropriate statements from each inventor being added. Accordingly, Applicants will submit under separate cover from this response a new petition to correct inventorship that is in compliance with the rules.

#### **II. SEQUENCE COMPLIANCE**

The Examiner states that this application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences. However, Applicants have reviewed the present application and cannot locate any nucleotide or amino acid sequences therein. Accordingly, Applicants request that the Examiner identify the page and line number where it is believed that such sequences are contained. On the belief that there are no nucleotide and/or amino acid sequences in this application, Applicants respectfully request withdrawal of the objection to the specification.

#### **III. REJECTIONS UNDER 35 U.S.C. § 112**

Claims 1-24 and 99-111 stand rejected under 35 U.S.C. §112, second paragraph. Responsive to the Examiner, claims 1, 12 and 99 have been amended to address the present rejection by reciting limitations that reference "at least one metabolic pathway," which is also identified in the preamble of these claims. Accordingly, Applicants submit that claims 1, 12 and 99 and claims dependent thereon fully satisfy the requirements of 35 U.S.C. §112, second paragraph, and are patentable thereunder.

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#### **IV. REJECTIONS UNDER 35 U.S.C. § 101**

Claims 1-24 and 99-111 stand rejected under 35 U.S.C. §101. Independent claims 1, 12 and 99 have been amended to address the rejection. Specifically, Applicants' claims recite methods that include "culturing cells in a medium selected based upon identification of at least one of the first and second sets to selectively support viability of the cells." (e.g., See Applicants' specification, Page 6) These processes as claimed are statutory since they require physical acts to be performed outside a computer independent of and following steps that can be performed by the computer and the physical acts involve the manipulation of tangible physical objects to have a different physical attribute. Therefore, Applicants submit that claims 1, 12 and 99 and claims dependent thereon fully satisfy the requirements of 35 U.S.C. §101 and are patentable thereunder.

#### **V. REJECTIONS UNDER 35 U.S.C. §102(b)**

Claims 1-6 and 11 stand rejected under 35 U.S.C. §102(b) as being anticipated by *Goto et al. (Bioinformatics, Vol. 14, No. 7 (1998), pages 591-599)*. In response, Applicants respectfully traverse the rejection.

Claim 1 recites the limitation of "culturing cells in a medium selected based upon identification of one of the first and second sets to selectively support viability of the cells." In contrast, there is no indication in *Goto et al.* that any computational results are used to select a medium for culturing cells. Therefore, *Goto et al.* fails to disclose each and every limitation of claim 1. This failure precludes *Goto et al.* from anticipating claim 1 and claims 2-6 and 11 dependent thereon. Accordingly, Applicants submit that claim 1 and claims dependent thereon are allowable and request withdrawal of the rejection and allowance thereof.

#### **VI. REJECTIONS UNDER 35 U.S.C. §103(a)**

Claims 1-6, 7, 8, 11-18, 20-24 and 99-106 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Goto et al.* in view of *Akutsu et al. (Bioinformatics,*

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Vol. 16, No. 8 (2000), pages 727-737). In response, Applicants respectfully traverse the rejection.

The independent claims 1, 12, and 99 recite the limitation of culturing cells in a medium selected based upon identification of at least one of the first and second sets to selectively support viability of the cells. In contrast, there is no indication in *Goto et al.* and/or *Akutsu et al.* that any computational results are used to select a medium for culturing cells. Therefore, *Goto et al.* in view of *Akutsu et al.* fails to teach, show or suggest each and every limitation of the independent claims 1, 12, and 99. This failure precludes these references from rendering the claims 1-8, 7, 8, 11-18, 20-24 and 99-106 obvious. Accordingly, Applicants submit that the claims 1-8, 7, 8, 11-18, 20-24 and 99-106 are allowable and request withdrawal of the rejection and allowance thereof.


### CONCLUSION

Applicants submit that all claims now pending are in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issuance are earnestly solicited.

If, however, the Examiner believes that any unresolved issues still exist, it is requested that the Examiner telephone the undersigned at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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